

UNITED STATES DISTRICT COURT FOR THE
SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION

FISCHER, DAKOTA

CIVIL ACTION NO. 2:19-cv-01342

Plaintiff,

vs.

REMINGTON ARMS COMPANY, LLC,
REMINGTON OUTDOOR CO., INC.,
THE MARLIN FIREARMS CO.,
HORNADY MANUFACTURING CO.,
and ABC COMPANIES #1 through #5,

Judge Edmund A. Sargus, Jr.

Defendants.

MOTION FOR ORDER COMMANDING APPEARANCE OF NON-PARTIES

COMES NOW, Defendant Hornady Manufacturing Co., and moves this Court for an Order directing the appearance of non-party witnesses George Shope and Joshua Gee in this matter. In support of this motion, Hornady states:

1. Hornady has filed with the court a Motion for Sanctions Against Non-Party Witnesses George Shope and Joshua Gee concerning certain acts by each, including variously and among other actions spoliation of evidence, falsification of evidence, knowingly testifying falsely under oath, and conspiring to knowingly misrepresent to parties, experts, and this Court that Hornady was a proper party to this suit;

2. In its motion, Hornady seeks to recover as monetary sanctions against Shope and Gee its attorney's fees, costs, and expenses caused by Shope's and Gee's actions and incurred by Hornady in defending itself in this case;

3. Hornady has set forth in its brief in support of the motion for sanctions the Court's authority for imposing sanctions against non-party witnesses;

4. As set forth in the Certificate of Service to its motion for sanctions, supporting brief, and this motion, each has been caused to be personally served on Shope and Gee, proof of which service Hornady intends to file with the Court upon receipt thereof;

5. Further, counsel for Hornady has been in contact with Shope and has reached out to Gee, both of whom are aware of Hornady's allegations against them and of Hornady's intent to seek sanctions against them;

6. Hornady has been unable to resolve this issue with either Shope or Gee through settlement;

7. Hornady seeks an Order from this Court, either commanding Shope and Gee to appear in this matter through counsel or pro se by a date certain, or setting forth any other instructions or directives this Court deems appropriate to afford Shope and Gee an opportunity to respond to Hornady's motion for sanctions;

8. Hornady takes no position on whether the Court, in its discretion, should call this matter for hearing, evidentiary or otherwise, and stands ready to comply with whatever course of action the Court deems appropriate;

9. Upon Order from this Court directing it to do so, Hornady will serve such Order upon Shope and Gee and file proof of such service with the Court.

WHEREFORE, Hornady respectfully requests an Order from the Court affording George Shope and Joshua Gee an opportunity to respond in this matter to Hornady's motion for sanctions and directing Hornady to take any steps the Court deems appropriate.

DATED, this 7th day of May, 2020.

HORNADY MANUFACTURING CO.,
Defendant

By: /s/ Kevin J. Schneider
Kevin J. Schneider, # 18898
CLINE WILLIAMS WRIGHT
JOHNSON & OLDFATHER, L.L.P.
1900 U.S. Bank Building
233 South 13th Street
Lincoln, Nebraska 68608-2095
(402) 474-6900
kschneider@clinewilliams.com

Admitted Pro Hac Vice

James E. Arnold (0037712)
Damion M. Clifford (077777)
Arnold & Clifford LLP
115 W. Main Street, 4th Floor
Columbus, NE 43215
dclifford@arnlaw.com

Counsel for Defendant Hornady

CERTIFICATE OF SERVICE

I hereby certify that on May 7, 2020, I electronically filed the foregoing with the Clerk of Court using the CM/ECF system, which by its operation will send notification of such filing to all registered parties.

Brian G. Miller
Adam L. Slone
Brian G. Miller Co., LPA
250 West Old Wilson Bridge Road,
Suite 270
Worthington, Ohio 43085
bgm@bgmillerlaw.com
als@bgmillerlaw.com
Attorneys for Plaintiff

Robert V. Kish
Remington Co., LPA
200 Civic Center Drive, Suite 800
Columbus, Ohio 43215
rkish@reminger.com
*Attorney for Defendants Remington
Arms Company, LLC and Remington
Outdoor Co., Inc.*

Steven E. Danekas
Swanson Martin & Bell, LLP
Suite 3300
330 North Wabash
Chicago, IL 60611
sdanekas@smbtrials.com
*Attorney for Defendants Remington
Arms Company, LLC and Remington
Outdoor Co., Inc.*

I further certify that on May 7, 2020, I caused the foregoing to be served by personal service upon the below non-parties, proof of which service will be filed with the Court upon receipt:

George Shope
11870 State Route 139
Jackson, OH 45640

Joshua Gee
7141 Mount Tabor Road
Chillicothe, OH 45601

By: /s/ Kevin J. Schneider
Kevin J. Schneider